

Lester Chin 12-3-15 12-15

C: = caller

Lester: Department of Agriculture.

C: Hi, Lester. This is [Caller]. I'm just returning your call.

Lester: Hi, yeah. It sounds like they're going to [? 00:00:30] you there for a while.

C: Yeah. Apparently, they were not really sure what test to do, so they have to keep ...  
They want me to come back and give a urine sample and more blood work apparently.

I'm just curious because my friend called HC&S yesterday and a field manager told them what he thought was in the mixture, but he wasn't hundred percent sure and he was like, "Well, I think there's a couple of more things." As far as testing, they kind of need to know exactly what would be in that mixture. Have they told you at all?

Lester: I contacted the person that I work with and so far, they have not gotten back with me.

C: Okay.

Lester: Just out of curiosity, I mean, it's none of my business, but certainly it's your prerogative what you do. I'm just thinking out loud with all that testing, who will pay for it? (Is Lester trying to persuade the victim to not get medical testing done?)

C: Yeah. I just went into my primary care physician and I have medical insurance, so that's there.

Lester: No, I'm not at all trying to sway you. Either way, you do whichever you want, but yeah, that's what ... I heard him say something about workers' comp, so this isn't a work not that I know of.

C: No, they were unsure about where to send the testing off. One of the nurses said, well, call workers' comp because they deal with cases like this all the time. They would know where to send the test, yes. Obviously, not a workers' comp situation. Yeah, I mean I wouldn't even thought of going in, but then I called the Department of Health and Dr. Pang suggested that I have some testing just to be sure. Then, when I got to that, they called poison control and they had a whole series of tests as well. I'm like, "Okay. Let's do it."

Lester: Yes, the prerogative is yours. The decision is yours, but I will give you one phone number that may be of value to you.

C: Okay.

Lester: It's Department of Health toxicologist.

Need Help? <mailto:support@rev.com>

C: All right.

Lester: Hold on a second. Let me try to get this number straight. Yeah, that's the thing. Again, the Department of Ag does not take sides.

C: Yeah.

Lester: We're neutral, but the point being is that the way I'm looking at things is who's going to pay the bill? I realize you have insurance, but to a certain degree, my plan, some of it is not covered.

C: I'll ask when I go to have the test, when they go to run those and send them off who's going to pay for that. I'm just assuming it's going to be my insurance, but I'm not sure. I'll ask about that.

Lester: Yeah. My insurance only covers so much percentage of it, then after that I'm stuck with the bill. Again, I'm not trying to sway you either way. You decide what you want to do. Okay. Barbara Brooks, 808-586-4249.

C: Okay.

Lester: If you can't get a hold of her, give me a callback, but try to reach her. I'm sure this is very important to you, so I suggest that you call her as soon as you can.

C: Okay. You said that HC&S hasn't gotten back to you about exactly what they were spraying?

Lester: Yes. Basically, the person I deal with has more than a number of responsibilities. However, with that said, if it was health-threatening to the point that, my understanding which I could be wrong, is that if it was life and death and so on, I'm sure I could get it out of them fairly quickly.

C: Okay. Who was the person you talked to? Is it Jeff?

Lester: Yes.

C: Okay.

Lester: Did you speak with him?

C: No.

Lester: I assume, what you have told me as far as your source ... Well, again, I'm making a judgment call here. It seemed like what the mixture appeared to be what I would ... If I had to take a guess and based upon the people, possibly the people you know, and the stage of growth that that crop was in, it sounded like what your people were telling was correct. I could be wrong, but if I had to take a guess right now, it's a possibility.

C: It's just that the person who informed me said that he thought there was a couple of others and he wasn't sure. I just want an exact kind of recipe of what they were spraying out there. I was also told that possibly it could be like atrazine or something else they throw in the mixture. It'd be nice to know just because if I am getting tested exactly what the test was.

Lester: Sure, that would be wise to know. Also, it could be wise to know, for when you speak with Barbara Brooks, you might want to ask her say throw in, atrazine and ask her what the effects of these chemicals are.

C: Yeah.

Lester: Okay?

C: Okay. The thing is, to me, I can look up individually what some of the toxicity levels on all these stuff, but then all mixed together in conjunction, it's like who knows what. I'm sure things have changed. I know there's been other products that have been pulled, that have been mixtures of some of these products. It's just like I don't have the background to say how toxic they are or not, so I'm just going to-

Lester: Neither do I, but I met with a farmer the other day and he asked me that. He said, "In all your years, have you ever seen ..." And he made me speak in a very general terms, but he asked me have I ever seen any and I said, "Not that I know of," but maybe I am wrong. He told me basically that he has not seen that by mixing certain chemicals together. Now, he understands into a certain degree and I'm speaking on very, very general terms, certainly there may be exceptions, but these chemicals have been regulated by EPA. My jurisdiction as I probably informed you is that we're looking at compliance with the pesticide label.

C: Right. That kind of leads me to-

Lester: And so I will make an assumption for whatever this assumption is worth, that the registrant of that chemical needs to go through certain types of testing before the EPA allows these chemicals to be marketed. With that said, there are instances where a chemical or pesticide will say, "Do not mix with" such and such, and such and such.

C: Okay.

Lester: So that's my assumption.

C: Okay. I know in the label, I guess there's another question I emailed you about like there's certain parameters for application as well. I know the wind speed was one of them. I remember when I took you to the site where this occurred, you got out of the car and you asked me about the wind speeds and the winds were howling, and I was like, "Yeah, the winds were howling early in the morning." And we could still smell it coming out the field three hours later. Does the windspeed...mixing these chemicals, does the wind speed regulations change or do you have to go by the lowest wind speed

for the lowest wind speed for that product of whatever chemical. There's five different chemicals and they have different wind speeds for every one of them. Do you go by the lowest wind speed for the one chemical?

Lester: Well, you're looking at compliance with the label. And so some products may not have a windspeed, but what is the most important part ... And some will, but the most important part and why I grabbed the sample from you, is the statement, "avoid drift", most likely it's there somewhere. I just have to find it when I meet with the applicator. (In other conversations, such as Enright, DoA says that the applicator is not told about the overspray incident until the case is closed)

C: Yeah. When we got out of the cars, you could smell it as well? I mean, when we got out of the car, I could still smell it so there's, obviously, some drift coming off of it and you agreed. It seems like there's a problem with that, but I don't know the exact wind speeds for all that so I'm not sure.

Lester: During my investigation, I can't comment on things because that may influence the whole outcome of my investigation. So...Yeah, I don't know what to tell you.

C: Another thing, my last question was you saw the inside of the car, is there a reason the outside of the car wasn't swabbed?

Lester: The inside of the vehicle was what you ... The assumption is the inside of the vehicle is where you were sitting and where you believe you were exposed.

C: Okay. All right, but if we're talking about drift and if there's chemical on the highway, it would be on the outside of the car too, right?

Lester: Then again, the distance you traveled, it would be much more ... Yeah, I don't know what to tell you. Usually, on that type of ...the ideal situation, to sample is, I'll wash my vehicle just before coming out and I came out on the road there was this drift that occurred rather than I washed it X amount of days ago. I traveled X amount of miles.

C: Yeah. I guess that's true. I'm guessing the list that I got from one of the field operation guys, are any of those restricted to use? I'm just trying to look at ... If there's anything in the car, is there a possibility that ... I mean, you're talking about the car wasn't just washed so there could be contaminants from another source, but I'm trying to look at if there is something, where could the sources be? If it's a restricted use, there's probably only a couple of people on the island who have access to those chemicals.

Lester: That's an interesting question. Restricted use pesticides may also include some of the rodenticides that are allowed for use in general areas, just that we are restricted in certain areas.

C: Okay.

Lester: Example of this would be a rodenticide that is restricted because it is used in conservation land.

C: Yeah, okay. Yeah, the list I gave you, there's ... I guess supposed I can look at it up, I [?] know offhand.

Lester: Yeah. Actually, that's the best thing for you to do because why take somebody else's work for it.

C: No, just the list that the field manager gave me. I was just curious if any of those are restricted use or are they products that any citizen can go to the hardware store and purchase?

Lester: Actually, what I believe, and this is an assumption, is that if there is residue in what we find. My assumption is I would like to find more than just one chemical. Then they could pinpoint it more so than just finding one.

C: Okay. Just off the top of your head, do you know if any of the ones that I gave you, the list, are they restricted to use?

Lester: I believe Zelpar may be.

C: Okay. We'll see what the results tell us.

Lester: Then again, this is assuming that the information that you're given is correct.

C: Right. That's why I'm trying to track down to see if you can call your contact at HC&S and get an exact recipe for what they were spraying out there that morning.

Lester: Yeah.

C: That'd be a great big help for me.

Lester: In the meantime-

C: Are they required to tell you? Are they required to give you that information or is it just-

Lester: Excuse me?

C: Are they required to give you the information about what they're spraying?

Lester: Well, my assumption is that any responsible spray applicator would want transparency.

C: Legally by law, are they legally required to tell you?

Lester: Hmm...I'm not sure on that one.

C: That's surprising.[00:18:32]

Lester: Let me back up a second. When I spoke with you, did you notice the word, voluntary?

C: Where?

Lester: On the bottom of the form?

C: I don't recall exactly, but it was probably on there, I'm guessing.

Lester: Anyways, about the notice, I believe there's a statement in there, voluntary ... I hereby volunteer consent to an inspection of, of which I am owner, agent, or person in charge. The Pesticide Use/Misuse Form that Mr. Chin is referring to does indeed have a box marked voluntary where the company being investigated has to voluntarily give consent to be inspected/sampled.

C: They're talking about me, that I'm giving consent to having the car, in this case, inspected?

Lester: Yes.

C: Still, that doesn't answer my question as far as I'm trying to figure out exactly what they were spraying. I want to know, are they legally required to tell you as a representative of the Department of Agriculture?

Lester: Well, let me put it to you this way, I give them the same form that I gave you.

C: For them, it's a voluntary ... It's completely voluntary, is what you're saying, for them to divulge that information of what they were spraying?

Lester: I don't know how to answer that one. I'm sure, somehow, the Hawaii Department of Agriculture, my assumption is the Hawaii Department of Agriculture may be able to force the issue if needed.

C: Okay. So, wouldn't this be a time when it would be needed?

Lester: Quite often, we ask that the treating physician [00:20:49] call us directly and that the time we would release all of the necessary information, but I don't have it at this time. But certainly, I will be working on it.

C: Okay. So, my doctor does want to know exactly what was in there, so does he need to call you? Does he need to call-

Lester: Yeah, he can call me.

C: Okay.

Lester: Okay.

C: All right. Okay.

Lester: Yeah. I'm under the assumption that-

C: Okay, I'm just trying to get the chain of what needs to happen to get that information. He is to call you so you can call HC&S? [00:21:45]

Lester: No, he can call me and by then, I believe, I will have the information.

C: Oh, so you're already going to get the information.

Lester: Well, I informed you that I called HC&S [00:22:00], okay?

C: Okay. Okay, so you proactively called them. Okay. I'll just have my doctor call you because that would be the easiest step on my end.

Lester: Yes.

C: Okay. Right, I'll give him a call right now.

Lester: Sure.

C: Thank you very much for your time and help me get this thing dealt and done with.

Lester: Same here.

C: Okay. Thank you very much.

Lester: Yeah. I'll let you know when I need you down here, okay?

C: Okay. What do I have to go down there for?

Lester: I need to take a picture from the interior of the window.

C: Okay.

Lester: And possibly measure the vehicle for the square footage.

C: Okay.

Lester: Yeah.

C: All right.

Lester: Okay?

C: Okay. Thanks for your for your time.

Lester: Okay. Same here. Bye now.

C: December 3rd, 2015. 12:16 PM. Conversation with Lester Chin, enforcement officer of the State Department of [Ag 00:23:24] of Hawaii on [Maui 00:23:24]. C [Kern 00:23:28]. December 3rd, Thursday, 12:16 PM.